

## **Title 8**

### **ANIMALS**

#### **Chapters:**

<b>8.02</b>	<b>ADMINISTRATION</b>
<b>8.04</b>	<b>ANIMALS</b>
<b>8.10</b>	<b>NOISY ANIMALS</b>
<b>8.12</b>	<b>DOG LICENSES</b>
<b>8.14</b>	<b>IMPOUNDMENT</b>
<b>8.16</b>	<b>RABIES CONTROL</b>
<b>8.17</b>	<b>COYOTE CONTROL</b>
<b>8.18</b>	<b>COMMERCIAL KENNELS</b>
<b>8.19</b>	<b>POT-BELLIED PIGS</b>
<b>8.20</b>	<b>BEEES AND APIARIES*</b>

## **Chapter 8.02**

### **ADMINISTRATION**

#### **Sections:**

- 8.02.010 Definitions.**
- 8.02.020 Enforcement of title--Powers of Animal Control Director and animal control officers.**
- 8.02.030 Interference with officers.**
- 8.02.040 Right of entry of certain officials.**
- 8.02.050 Disposition of money--Payment of expenses.**

#### **Section 8.02.010 Definitions.**

For the purpose of this title, the following words and phrases shall have the meanings given herein:

"Abused dog" shall mean any dog which is mistreated, beaten, tormented or teased, or is deprived of water or food or shelter; or is kept under unsanitary conditions; or is abandoned; or is trained for fighting other animals;

"Animal Control Director" means the duly appointed and acting Director of the Department of Environmental Health of the County of Riverside. The title "poundmaster" as may be used in this title or this code shall mean the "Animal Control Director";

"Animal control officer" means those duly appointed and acting deputies of the Animal Control Director assigned to provide animal control field services within the corporate limits of the City and enforce the provisions of this title, and shall include those positions entitled chief animal control officer, supervising animal control officer, senior animal control officer, animal control officer, animal control officer trainee, and license inspector. The title "deputy poundmaster" or "humane officer" as may be used in this title or this code shall mean "animal control officer";

"Animals," unless otherwise stated, includes birds, fish, mammals and reptiles;

"City animal shelter" means the Riverside City and County animal shelter. The term "City pound" as may be used in this title or this code shall mean the "City animal shelter."

"Commercial kennel" means any lot, building, structure, enclosure, or premises where three or more dogs four months of age or over are kept or maintained for commercial boarding, breeding, training or sale;

"Official police dog" means any canine trained for law enforcement purposes and used by the Police Department for such purpose, and so designated by the Police Chief by the issuance of distinguishing tags;

"Official police horse" means any equine used by a police officer for law enforcement purposes;

"Owner" means any person, firm or corporation having title to any animal, or a person who has, harbors, or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises for a period of seven consecutive days;

"Sentry dog" means a dog trained or purported to be trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility;

"Vicious dog" means any dog which constitutes a physical threat to a human being or any other domestic animal by virtue of a known propensity to endanger life by an unprovoked assault or bite so as to cause serious bodily harm. Any dog trained, primarily or in part, to

attack or fight shall constitute prima facie evidence that the dog has a known propensity to endanger life. A dog shall not be deemed vicious if it: (1) attacks, bites or menaces anyone assaulting the owner of such dog, a trespasser on the property of the owner, or any person or other animal who has tormented or abused it; (2) is otherwise acting in defense of an attack from a person or other animal upon the owner or other person; or (3) is protecting or defending its young or other animal. A dog shall not be deemed vicious if it is an official police dog or a "protection dog" as defined by Section 7521(f) of the Business and Professions Code if registered as required by Section 7550.2 of said Business and Professions Code. (Ord. 6219 § 1, 1995; Ord. 6217 § 1, 1995; Ord. 5631 §§ 1, 2, 1988; Ord. 4803 § 1, 1980; Ord. 4112 § 1 (part), 1974)

**Section 8.02.020      Enforcement of title--Powers of Animal Control Director and animal control officers.**

The Animal Control Director and the Animal control officers shall be primarily responsible for the enforcement of the provisions of this title, with the exception of Section 8.04.140, for which the Police Department shall be primarily responsible. The Animal Control Director and the animal control officers shall have and are vested with the authority to issue a notice to appear as prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the California Penal Code in the manner provided by Section 836.5 of the California Penal Code to any person who violates the provisions of this title. (Ord. 6653 § 2, 2003; Ord. 6219 § 2, 1995; Ord. 6217 § 2, 1995; Ord. 4112 § 1 (part), 1974)

**Section 8.02.030      Interference with officers.**

It is unlawful for any person to interfere with or oppose or resist the Chief of Police or any of the officers of the Chief of Police, the Animal Control Director or any of the deputies of the Animal Control Director, or the City health officer or any of the deputies of the City health officer while said officers are engaged in the performance of the duties pertaining to the enforcement of this title. All of the aforementioned officers, deputies or employees are empowered to enforce all of the provisions of this Title. (Ord. 6219 § 3, 1995; Ord. 6217, § 3, 1995; Ord. 4112 § 1 (part), 1974)

**Section 8.02.040      Right of entry of certain officials.**

The Animal Control Director and any animal control officer, any police officer of the City, and the City health officer or the deputies of the City health officer are empowered to enter upon any private property for the purpose of ascertaining whether any dog kept or harbored therein is afflicted with rabies or hydrophobia or whether or not a license tag has been secured for such dog; provided, however, that no such Animal Control Director, animal control officer, police officer, City health officer, or deputy of the City health officer shall have the right to enter an inhabited dwelling or a locked yard without first having obtained a warrant therefor. (Ord. 6219 § 4, 1995; Ord. 6217 § 4, 1995; Ord. 4112 § 1 (part), 1974)

**Section 8.02.050      Disposition of money--Payment of expenses.**

All money collected by the poundmaster for licenses, tags or other fees shall be paid into the City treasury for the general fund. All expenses incurred in carrying out or enforcing the provisions of this title shall be paid out of the general fund. (Ord. 4112 § 1 (part), 1974)

## **Chapter 8.04**

### **ANIMALS**

#### **Sections:**

- 8.04.010 Abandonment.**
- 8.04.020 Noisy animals.**
- 8.04.025 Maintaining sanitary conditions.**
- 8.04.030 Staking out of animals.**
- 8.04.040 Animals trespassing on private property.**
- 8.04.045 Duty to restrain dog on property.**
- 8.04.050 Leash laws--Dogs.**
- 8.04.060 Female dog in season.**
- 8.04.070 Vicious dog.**
- 8.04.080 Animals at large.**
- 8.04.110 Wild animals and reptiles.**
- 8.04.120 Prohibited conduct towards official police dogs and horses.**
- 8.04.125 Interference with official police dog or horse.**
- 8.04.130 Mandatory spay/neuter for dogs and cats adopted from City animal shelter.**
- 8.04.140 Animals banned at special events**

#### **Section 8.04.010 Abandonment.**

It is unlawful for any person to knowingly abandon any animal within the City. Any person violating this section shall bear full costs and expenses incurred by said City in the care of said abandoned animal and said person shall reimburse to the City all costs therefor as determined by the poundmaster. (Ord. 4112 § 1 (part), 1974)

#### **Section 8.04.020 Noisy animals.**

It is unlawful for any person to keep or allow to be kept, or suffer or permit any animal to remain upon the premises under the control of such person, when such animal habitually barks, whines, or makes loud and unusual noises in such a manner as to disturb the peace and quiet of the neighbors surrounding or in the vicinity of such premises, or whose barking or howling or other sound or cry interferes with any person of ordinary sensitiveness in the reasonable and comfortable enjoyment of life and property. (Ord. 4112 § 1 (part), 1974)

#### **Section 8.04.025 Maintaining sanitary conditions.**

Every person owning or occupying any property or premises where any animal or bird is kept shall keep such premises clean and sanitary. Any feces, uneaten food, or other matter that emits an offensive odor or encourages the breeding of flies or other insects shall be collected daily and not allowed to accumulate. This provision shall not prohibit the owner or occupant of any premises from storing such feces, uneaten food, or other matter in a closed container prior to disposal. (Ord. 6219 § 5, 1995; Ord. 6217 § 5, 1995)

#### **Section 8.04.030 Staking out of animals.**

No person owning or having possession, charge, custody or control of any animal shall cause or permit or allow the same to be staked out or to herd or graze upon any unenclosed private lot or land in the City in such a manner that the rope or other attachment by which such

animal is tethered permits said animal to be or to go beyond the boundaries of the unenclosed private lot or land. (Ord. 4112 § 1 (part), 1974)

**Section 8.04.040      Animals trespassing on private property.**

Every animal found trespassing upon any private property within the city may be captured by the party owning, controlling or having possession of such property, or by his representative, and shall then be committed to the poundmaster; provided, however, that the only trap used in such capture shall be of a type of trap approved by the poundmaster. Any person capturing an animal found running at large or trespassing upon any private property shall promptly notify the poundmaster of such capture and it shall be unlawful for any person to fail or refuse to surrender such animal to the poundmaster. (Ord. 4112 § 1 (part), 1974)

**Section 8.04.045      Duty to restrain dog on property.**

It shall be the duty of any person owning or having charge, custody or control of any dog to ensure that reasonable care and precautions are taken to prevent the dog leaving, while not in leash, the real property upon which it is kept and that either (1) it is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition, which enclosure is securely locked or fastened at any time the dog is left unattended; or (2) it is securely and humanely restrained by a chain with swivel, cable or trolley or other tether of sufficient strength to prevent escape, provided that the dog while so chained or tethered cannot go beyond the boundaries of the real property upon which it is maintained or upon the public right of way; or (3) it is on leash and under the control of a competent person. (Ord. 5631 § 3, 1988)

**Section 8.04.050      Leash laws--Dogs.**

No person owning or having charge, care, custody or control of any dog shall, either intentionally or unintentionally, cause, permit or allow the same to be or run at large upon any street or other public place, or upon any unenclosed lot or place in the City or upon the private property of another without permission of the person owning or in possession of such property unless such dog is restrained by a substantial chain or leash and is in control of a competent person; provided, however, the provisions of this section shall not apply to any official police dog while such animal is on duty. (Ord. 4803 § 4, 1980; Ord. 4112 § 1 (part), 1974)

**Section 8.04.060      Female dog in season.**

It is unlawful for any person to permit any female dog which is owned, harbored, or controlled by him, to run at large in the City at any time during the period when the dog is in season or breeding condition. (Ord. 4112 § 1 (part), 1974)

**Section 8.04.070      Vicious dog.**

In addition to the requirements of Section 8.04.045, the owner or person having charge, custody or control of a vicious dog shall keep the dog in an enclosure with a secure top when maintained unattended out-of-doors; and any enclosure for such dog kept out-of-doors must be fenced with a perimeter or area fence no less than three feet from such enclosure. The owner or person having charge, custody or control of a vicious dog shall not permit such dog to be chained, tethered or otherwise tied to any inanimate object, such as a tree, post or building, outside of its own enclosure. It shall be unlawful for the owner or person having charge, custody or control of a vicious dog to fail, neglect or refuse to keep posted in a conspicuous place at or near the entrance of the premises on or within which such dog is kept, a sign having letters at least two inches in width and two inches in height and reading "Beware of Vicious

Dog". In addition to the requirements of Section 8.04.050, the owner or person having charge, custody or control of a vicious dog shall keep the dog while it is off its property, except when being transported in and securely confined within a vehicle, restrained by a leash not to exceed six feet in length, and muzzled by any means sufficient to prevent biting other persons or domestic animals.

If the poundmaster has cause to believe that a dog is a "vicious dog" within the meaning of Section 8.02.010, the poundmaster or an appointed deputy of the poundmaster may find and declare such a dog a "vicious dog". The poundmaster or the deputy poundmaster shall then notify the owner and/or possessor in writing of such finding and declaration. The notice shall inform the owner and/or possessor of that dog that a hearing may be requested within seven days of service of the notice to contest the finding and designation, and that the failure to request a hearing shall result in the declaration becoming final. The request for hearing shall be filed with the poundmaster, and a hearing shall be set for no sooner than ten days following receipt of the request for hearing. The hearing required pursuant to this section shall be conducted by a person designated by the City Manager who shall not have been directly involved in the action, which person need not be an employee of the City of Riverside. A hearing shall be conducted in an informal manner consistent with due process of law, and may be continued if the hearing officer deems it necessary and proper or if the owner or custodian of the dog shows good cause. The decision of the hearing officer shall be final. (Ord. 5858 § 1, 1990; Ord. 5631 § 4, 1988; Ord. 4112 § 1 (part), 1974)

#### **Section 8.04.080      Animals at large.**

No person owning or having possession, charge, custody or control of any animal, except a cat, shall cause, permit or allow such animal to be at large upon any street, lane, alley, court or other public place unless under the immediate effective physical control of a competent person or under the immediate vocal control of said person; provided, however, the provisions of Section 8.04.050 of this chapter shall govern as to dogs. (Ord. 4112 § 1 (part), 1974)

#### **Section 8.04.110      Wild animals and reptiles.**

No person shall have, keep or maintain, or have in his possession or under his control on any residentially-zoned property any lion, tiger, bear, chimpanzee, gorilla, cougar, mountain lion, badger, wolf, coyote, fox, lynx or any poisonous reptile or any other dangerous or carnivorous wild animal or reptile; provided, however, such animals may be permitted on such residentially-zoned lots on the condition that a permit is obtained from the poundmaster or his duly authorized representative.

Such permit shall only be granted upon a showing by the applicant that adequate safeguards have been established and will be maintained which will effectively control the dangerous or vicious propensities of such animal or reptile, eliminating any danger to individuals or property, and provided that the keeping or maintaining of such animal or reptile will in no way constitute a nuisance to the occupants of any surrounding property. The denial of the permit shall be in writing and shall specify the grounds for such denial. The applicant shall have ten days from the date the permit was denied in order to appeal such denial to the City Council. (Ord. 4112 § 1 (part), 1974)

#### **Section 8.04.120      Prohibited conduct towards official police dogs and horses.**

A. It is unlawful for any person to willfully and maliciously annoy, tease, taunt, torment, strike, threaten to strike, startle, attempt to startle or throw any object at any official police dog or any official police horse. The conduct prohibited hereby shall include, but not be limited to, the use of any part of the body, including the voice, or the use of any object, including liquids, or a vehicle with the intent to accomplish one or more of the above acts.

B. It is unlawful for any person, other than an authorized employee or agent of the Police Department or a person authorized by the police officer in possession of said animal, to feed or touch, or attempt to touch an official police dog or official police horse or the equipment attached to or housing said animal while on duty. (Ord. 4803 § 2, 1980)

**Section 8.04.125 Interference with official police dog or horse.**

It is unlawful for any person, other than the police officer in lawful possession of such animal, to give commands or attempt to give commands to any official police dog or official police horse or otherwise interfere with such animal while it is on duty. (Ord. 4803 § 3, 1980)

**Section 8.04.130 Mandatory spay/neuter for dogs and cats adopted from City animal shelter.**

A. Dogs and Cats Under Four Months of Age. No person shall be permitted to adopt or purchase any dog or cat from the City animal shelter under the age of four months unless and until a deposit for spaying or neutering the dog or cat has been tendered to the Animal Control Director. The deposit shall be in an amount determined to be comparable to the lowest fee charged by veterinarians in the City as set by resolution of the City Council; provided however, the deposit shall not exceed the amounts for such deposits as set forth in State law. It is unlawful for any person adopting such dog or cat to fail to have such animal spayed or neutered within sixty days of the date such dog or cat reached the age of four months unless upon the certification of the veterinarian employed at the City animal shelter such operation would unnecessarily endanger the life of the animal, in which event, such dog or cat shall be spayed or neutered at the earliest date when medically acceptable to do so. The deposit shall be returned to the person purchasing or adopting the dog or cat upon presentation of a written certification from a veterinarian or clinic that the dog or cat has been spayed or neutered; provided, however, such deposit must be claimed within one hundred twenty days of the date such dog or cat reached the age of four months.

B. Dogs and Cats Four Months of Age or Older. All dogs and cats over the age of four months placed for adoption from the City animal shelter shall be spayed or neutered before being placed in the custody of the adoptive owner; provided, however, such requirement may be waived by the Animal Control Director upon the certification of the veterinarian employed at the City animal shelter that such operation will unnecessarily endanger the life of the animal. (Ord. 6219 § 6, 1995; Ord. 6217 § 6, 1995)

**Section 8.04.140 Animals banned at special events**

A. Animals Banned at Special Events. No person owning or having charge, care, custody or control of any animal shall either, intentionally or unintentionally cause, permit or allow same to be at any special event, as defined by Section 2.28.040, in the City during the designated period of operation of such special event, where appropriate signs giving notice of such prohibition have been posted at sufficient points around the special event to give reasonable notice of such prohibition to the public. Notice is to be given in any advertisements for such special events that, "All animals, birds and reptiles are banned at this special event, except as set forth in RMC Section 8.04.140." "Animal" shall include birds and reptiles.

B. Exceptions. The prohibition shall not apply to the following:

1. Any animal invited by official special event staff;
2. Any animal used for businesses duly licensed by the City;
3. Any animal used by a law enforcement agency or the military;
4. A dog while participating in a permitted dog obedience training program or a dog obedience or conformation show, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program;

5. Licensed guide dogs in training wearing marked "guide dog in training" vests or collars.

6. Any guide dog, signal dog, or other animal individually trained to work or perform tasks for and accompanying an individual with a disability. Such training shall include, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

C. Enforcement of Title. The Police Department shall be primarily responsible for the enforcement of the provisions of this title.

D. Penalty. A violation of this section may be prosecuted as a misdemeanor, in accordance with Section 1.01.110 (Ord. 6653 § 1, 2003)



## **Chapter 8.10**

### **NOISY ANIMALS**

#### **Sections:**

<b>8.10.010</b>	<b>Purpose.</b>
<b>8.10.015</b>	<b>Definitions.</b>
<b>8.10.020</b>	<b>Administrative Hearing Officer.</b>
<b>8.10.030</b>	<b>Declaration of noisy animal as a public nuisance.</b>
<b>8.10.040</b>	<b>Noisy Animal Warning Notice.</b>
<b>8.10.050</b>	<b>Declaration of Complaint of Noisy Animal and Petition for Administrative Hearing.</b>
<b>8.10.065</b>	<b>Hearing.</b>
<b>8.10.070</b>	<b>Determination and order.</b>
<b>8.10.080</b>	<b>Administrative abatement measures.</b>
<b>8.10.090</b>	<b>Failure to Comply with Administrative Order.</b>
<b>8.10.095</b>	<b>Civil action.</b>
<b>8.10.100</b>	<b>Not exclusive remedy.</b>
<b>8.10.110</b>	<b>Severability.</b>

#### **Section 8.10.010 Purpose.**

The disturbance caused by excessive, unrelenting or habitual noise of any animal is disruptive of the public's peace and tranquility and represents an unwanted invasion of privacy of the residents of the City. It is declared to be in the public interest to promote the health and welfare of the residents of the City by providing for an administrative proceeding for the abatement of such nuisances, which abatement procedures shall be in addition to all other proceedings authorized by this Code or otherwise by law. (Ord 6797 § 1, 2005; Ord 6223 § 1 (part), 1995)

#### **Section 8.10.015 Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings given herein:

"Director of Animal Services" means the person designated by the City Council as the Animal Control Director of the City whether employed by the City or by the animal control contractor retained by City to provide animal control enforcement or the designee of such Director of Animal Services, or his/her authorized designee.

"Complaining Party" means that person or those persons who contact the Animal Control Director to report a noisy animal or noisy animals.

"Noisy animal" means any animal or animals maintained on the same premises or location whose excessive, unrelenting or habitual barking, howling, crying or other noises or sounds annoy or become offensive to a resident or residents in the vicinity thereby disturbing the peace of the neighborhood or causing excessive discomfort to any reasonable person of normal sensitivity hearing such sounds.

"Responsible party" means that person or those persons in charge of the premises or location where any noisy animal is located and may include any of the following:

1. The person or persons who own the property where the noisy animal is located;
2. The person or persons in charge of the premises where the noisy animal is located;
3. The person or persons occupying the premises where the noisy animal is located;

4. The owner of the noisy animal.

If any of those persons are minors, the parent or parents or a guardian of such minor shall be the responsible party. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

#### **Section 8.10.020      Administrative Hearing Officer.**

A determination whether an animal is violating this Chapter shall be made by the City of Riverside's Administrative Hearing Officer. The administrative hearing officer shall have the power to hear testimony from witnesses including complainants, peace officers, animal control officers or State humane officers or other parties including the owner or person having charge, custody or control of the animal allegedly causing the nuisance, to determine whether the maintenance of the animal is a public nuisance as herein declared by the City Council, and to order the abatement of such nuisance by taking such actions as set forth in this Chapter. (Ord. 6797 §1, 2005; Ord. 6635 §1, 2002; Ord. 6223 § 1 (part), 1995)

#### **Section 8.10.030      Declaration of noisy animal as a public nuisance.**

A. The City Council hereby determines and declares that it is unlawful and a public nuisance for any person owning, keeping, harboring or having in his or her care, custody or control any animal, to cause or suffer, or permit to be made or caused by such animal, barking, howling, crying or making of any noises or other sounds, so as to annoy and become offensive to a resident or residents in the vicinity in which the animal is kept thereby disturbing the peace of the neighborhood or causing excessive discomfort to any reasonable person of normal sensitivity residing in the area, unless such noise or sound is made by an official police dog while on duty.

B. If, in violation of the provisions of this declaration of nuisance, any person owns, maintains, harbors, keeps or has any animal who persistently emits any noises or sounds in such a manner as to annoy and become offensive to a resident or residents in the vicinity in which the animal is kept, the maintenance of such animal may be declared a public nuisance by written notice to the owner or person in charge, custody or control of the animal. If after the issuance of such notice, the person owning, keeping, harboring or having in such person's care or custody any animal has not abated the nuisance, such person shall be liable to enforcement of the provisions of this Code.

C. It is unlawful for the Responsible Party, after being informed in writing that such person's animal has been declared a noisy animal and that the maintenance of a noisy animal is a public nuisance, to fail, refuse or neglect to take whatever steps or use whatever means are necessary to assure that such animal does not again disturb residents in the vicinity in which the animal is kept. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

#### **Section 8.10.040      Noisy Animal Warning Notice.**

A. When an animal control officer or police officer of the City is notified or alerted of a possible noisy animal which may constitute a nuisance and has personally confirmed the existence of a potential nuisance, or has received a written complaint under penalty of perjury of such noisy animal signed by the complaining party, that animal control officer or police officer shall issue a Noisy Animal Warning Notice to the Responsible Party. Such notice shall specify that the continued barking, howling or other noise or sounds of such animal is in violation of this Code and that the noisy animal nuisance must be abated forthwith to avoid further City action. Such notice shall be served upon the Responsible Party or, if such service cannot be safely made, posted at the premises upon which the animal is located. A copy of the Noisy Animal Warning Notice shall be filed with the Director of Animal Services. The Director of Animal Services shall, within five days of the issuance of said warning notice, make a reasonable attempt to speak personally or by telephone with the Responsible Party concerning the matter,

including what efforts have been made to abate the nuisance.

B. If within five days of the issuance of the Noisy Animal Warning Notice the Director of Animal Services determines that the barking, howling or other sound or cry was provoked and that such barking, howling or other sound or cry was not excessive, unrelenting or habitual, the Director of Animal Services shall cause the Noisy Animal Warning Notice to be voided and the person to whom it was issued to be so notified. In the event a Noisy Animal Warning Notice has been voided, such warning notice shall not be considered as having been issued for the purposes of Sections 8.10.050 or 8.10.085 of this title. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

#### **Section 8.10.050 Declaration of Complaint of Noisy Animal and Petition for Administrative Hearing.**

A. When the Director of Animal Services receives a subsequent verbal or written complaint concerning a noisy animal at the same location within twelve months after the issuance of a Noisy Animal Warning Notice, the Director of Animal Services shall determine whether the Noisy Animal Warning Notice went unheeded. If the determination is made the nuisance was not abated, a Declaration of Complaint of Noisy Animal and Petition for Administrative Hearing shall be issued by the Director of Animal Services to the Complaining Party.

B. The Declaration of Complaint and Petition for Administrative Hearing shall be completed under penalty of perjury by the Complaining Party and returned within ten (10) days to the Director of Animal Services.

C. The Director of Animal Services, upon receipt of a timely executed Declaration of Complaint and Petition for Administrative Hearing, shall set the case for hearing before the City's Administrative Hearing Officer. The hearing shall be set at least 10 days from the date the Declaration is received and no more than 30 days. The Director of Animal Services shall notify the Complaining Party and Responsible Party of the date, time, and place for the hearing. The notice of hearing shall advise that the Complaining Party and Responsible Party that they may present evidence at the hearing through witnesses and documents. The notice of hearing shall be accompanied by a copy of the Declaration of Complaint and Petition for Administrative Hearing form. The notice shall be personally served on all parties and witnesses. If the notice cannot be safely served by personal service, then it may be posted upon the premises where the animal is kept and sent by first-class mail. The complaining party shall be informed that further action may not be warranted if the animal is controlled, but in any case, no further action can be taken until the completed Declaration of Complaint and Petition for Administrative Hearing form is received by the Animal Control Director. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

#### **Section 8.10.065 Hearing.**

The hearing before the Administrative Hearing Officer shall be open to the public. The Administrative Hearing Officer may admit all relevant evidence, including incident reports and affidavits of witnesses. The Administrative Hearing Officer may decide all issues even if the Responsible Party for the animal fails to appear at the hearing. The Administrative Hearing Officer may find, upon a preponderance of the evidence, that the animal is a noisy animal and the maintenance of such noisy animal is a public nuisance. Upon the conclusion of the hearing, the Hearing Officer shall orally announce the decision as to whether a public nuisance has been found to exist on the premises. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

#### **Section 8.10.070 Determination and order.**

Within three business days after the conclusion of the hearing conducted pursuant to

Section 8.10.060, the Administrative Hearing Officer shall, by certified mail, return receipt requested, notify the Responsible Party of the Officer's determination and any orders issued. If the Officer determines that the animal is a noisy animal and the maintenance thereof, a public nuisance, the Responsible Party shall comply with the Officer's order within five days after the date of mailing of the determination and order. The decision of the Officer shall be final. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

**Section 8.10.080      Administrative abatement measures.**

The Administrative Hearing Officer may, as part of his/her determination that the animal is a noisy animal and a public nuisance, direct the Responsible Party to perform one or more of the following actions [this list is illustrative rather than comprehensive]:

A. Containment of the animal within an enclosed building on the premises of Responsible Party;

B. Require that the animal wear a noise suppression device obtained at the expense of the Responsible Party to reduce or eliminate the noise creating the nuisance;

C. Require that the animal undertake obedience training designed to abate the nuisance problem when appropriate and under the conditions imposed by the Hearing Officer and at the expense of the Responsible Party;

D. Restrict the time of day, days of the week and duration when the animal may be placed out-of-doors on the premises of the Responsible Party;

E. Require the animal to be debarked at the expense of the Responsible Party;

F. Require the Responsible Party to permanently remove the animal from said property and outside the City limits.

G. Any other reasonable means to accomplish the abatement. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

**Section 8.10.090      Failure to Comply with Administrative Order.**

It is unlawful for any person to fail, neglect or refuse to comply with an administrative abatement order of the Administrative Hearing Officer within the time specified in said order. Should any party to the order issued by the Administrative Hearing Officer fail to comply with the order, in whole or in any part thereof, that party or those parties may be subject to administrative remedies to enforce the order as set forth in this Code, including administrative citations and administrative civil penalties, and any other lawful means necessary to gain compliance, including a civil action. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

**Section 8.10.095      Civil action.**

In the event any person shall fail, neglect or refuse to comply with an administrative abatement order of the Administrative Hearing Officer within the time specified in said order and the public nuisance continues to exist, the City Attorney is authorized to commence civil action to obtain the abatement of such public nuisance. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

**Section 8.10.100      Not exclusive remedy.**

The provisions of this chapter are to be construed as an added remedy of abatement of the nuisance hereby declared and not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by this title or other law. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

**Section 8.10.110      Severability.**

If any section, subsection, sentence, clause or phrase in this chapter is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council declares that it would have passed this chapter and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

## **Chapter 8.12**

### **DOG LICENSES**

#### **Sections:**

- 8.12.010 License required.**
- 8.12.020 License fee.**
- 8.12.040 License fee--New residents.**
- 8.12.050 License fee--Senior citizens.**
- 8.12.060 Issuance of license--Transferability--Refunds.**
- 8.12.070 Rabies vaccination prerequisite to issuance of license.**
- 8.12.080 Tags.**
- 8.12.090 Register of licenses.**
- 8.12.100 Kennels and pet shops not required to license dogs for sale.**
- 8.12.110 Applicability of chapter.**

#### **Section 8.12.010 License required.**

It is unlawful for any person to own or have custody, control or possession of any dog over the age of four months within the City unless there is attached to such dog a collar upon which there is a current, numbered license tag as provided for by this chapter. (Ord. 4112 § 1 (part), 1974)

#### **Section 8.12.020 License fee.**

A. Any person owning or having custody or control of one or more dogs over the age of four months in the City shall pay for the license of each such dog an amount as may be established by resolution of the City Council.

B. Such license fee shall be paid in full prior to the issuance of the license certificate and tag. The fee shall become delinquent if not paid on or before the thirtieth day after the dog reaches the age of four months or after acquiring ownership, custody or control of the dog, or on or before the thirtieth day following expiration of the previously issued license for such dog. The resolution establishing fees for the dog licenses may also establish a late fee for delinquent payments. (Ord. 6219 § 7, 1995; Ord. 6217 § 7, 1995; Ord. 5590 § 2, 1987; Ord. 4513 § 1, 1978; Ord. 4112 § 1 (part), 1974)

#### **Section 8.12.040 License fee--New residents.**

The owner of any dog, which owner moves into the City from another community, shall be issued a license for that year upon presentation of a current rabies vaccination certificate signed by a licensed veterinarian and a dog license receipt from another community for said year and upon payment of a fee as may be established by resolution of the City Council. (Ord. 5590 § 4, 1987; Ord. 4112 § 1 (part), 1974)

#### **Section 8.12.050 License fee--Senior citizens.**

Notwithstanding the provisions of Section 8.12.020, the City Council may establish by resolution a reduced schedule of fees including any late fee for the issuance of a license for each dog over the age of four months owned by any person sixty years of age or older upon presentation at time of issuance of such dog license proof of the age of the person requesting the reduced rate. (Ord. 5965 § 1, 1991; Ord. 5590 § 5, 1987; Ord. 4112 § 1 (part), 1974)

**Section 8.12.060 Issuance of license--Transferability--Refunds.**

Upon payment of the required fee as to each such dog, a license shall be issued for one year from date of issuance for a dog under one year of age, and for one, two or three years from date of issuance for a dog over one year of age; provided that the date of expiration of the vaccination immunity is not earlier. At the request of the owner or custodian of such dog, the license may be backdated so that its expiration date occurs concurrent with or prior to the expiration date of the vaccination; provided, however, that where such backdating is performed, there shall be no reduction or discount of the applicable license fee. If a license is a renewed license, the date of issuance shall be the date following the expiration of such earlier license.

Each dog license shall state the name and residence of the person to whom the license is issued, the address of the premises at which the dog will be kept, the fee paid, the date when issued, the date of expiration, a description of the dog and the number of the tag which shall be issued to the license.

In the event the ownership of the dog is changed, the license may be transferred for said dog by the new owner upon application and payment of a fee as set by resolution of the City Council; provided, however, that no dog license required by this chapter shall be transferable to another dog.

No refunds shall be made on any dog license fee because of the death of the dog for whom the license was issued or the owner's leaving the City before expiration of the license period. (Ord. 5590 § 6, 1987; Ord. 4112 § 1 (part), 1974)

**Section 8.12.070 Rabies vaccination prerequisite to issuance of license.**

No dog may be licensed and no license certificate may be issued, except upon presentation of a certificate of rabies vaccination issued by a veterinary surgeon evidencing that the period of time elapsing from the date of vaccination to the date of expiration of the license does not exceed the maximum duration of immunity accepted by the California Department of Health for that type of canine rabies vaccine with which the dog was vaccinated. (Ord. 4112 § 1 (part), 1974)

**Section 8.12.080 Tags.**

Upon payment of the license fee and presentation of the veterinary surgeon's certificate of antirabic vaccination, the poundmaster shall issue to the owner a license certificate and one durable license tag for each dog so licensed and vaccinated. The tag shall have stamped thereon the number corresponding with the number of the license certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. If a dog tag is lost or destroyed, a duplicate shall be issued by the poundmaster upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a fee for each such duplicate as may be established by resolution of the City Council. Dog tags shall not be transferable from one dog to another. (Ord. 5590 § 7, 1987; Ord. 4112 § 1 (part), 1974)

**Section 8.12.090 Register of licenses.**

The poundmaster shall keep a register of all dog licenses issued under this chapter, showing the name of the licensee, the date of issuance, description of the dog and the number of the license issued. (Ord. 4112 § 1 (part), 1974)

**Section 8.12.100 Kennels and pet shops not required to license dogs for sale.**

Persons duly licensed for operation of a kennel or for sale of pets shall not be required to obtain licenses for dogs kept on the subject premises solely for the purpose of sale to the public,

except as provided in Chapter 8.18. (Ord. 4112 § 1 (part), 1974)

**Section 8.12.110      Applicability of chapter.**

The provisions of this chapter shall not apply to dogs owned by or in charge or care of nonresidents of the City traveling through the City or temporarily sojourning therein for a period not exceeding thirty days, nor to dogs temporarily brought into the City for participation in any dog show, nor to "seeing eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place. (Ord. 4112 § 1 (part), 1974)



## **Chapter 8.14**

### **IMPOUNDMENT**

#### **Sections:**

- 8.14.010      Impounding of animals--Registry.**
- 8.14.020      Notification of owner--Redemption--Fees.**
- 8.14.030      Time limit for impoundment--Disposal of unredeemed animals.**

#### **Section 8.14.010      Impounding of animals--Registry.**

Any animal found running at large contrary to the provisions of this title may be apprehended by the poundmaster, his deputies and any police officer of the City, and any such animal so apprehended shall be impounded in the City pound or other suitable place. Any animal surrendered to the poundmaster pursuant to Section 8.04.040 shall be impounded in accordance with the provisions of this chapter.

The poundmaster upon receiving any dog shall make a complete registry entering the breed, color and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of license tag. (Ord. 4112 § 1 (part), 1974)

#### **Section 8.14.020      Notification of owner--Redemption--Fees.**

A. Following the impounding of any animal, the owner, if known shall be notified by letter or shall be given such other reasonable notice of the impoundment. If the owner of the animal is unknown and cannot be reasonably ascertained, written notice shall be posted for five days at the City animal shelter describing the animal and the place and time such animal was found. The owner of an animal so impounded may reclaim such animal upon presenting a certificate of vaccination and paying the license fee herein provided, if such is required, and paying all costs and charges incurred by the City for the impoundment and maintenance of such animal.

B. The City Council by resolution may establish the fees for the impoundment of any dog or other animal and for the boarding any dog, cat, cattle, horse, mule, goat and any other such animal by the City. (Ord. 6219 § 8, 1995: Ord. 6217 § 8, 1995: Ord. 5327 § 1, 1985; Ord. 4924 § 1, 1981; Ord. 4112 § 1 (part), 1974)

#### **Section 8.14.030      Time limit for impoundment--Disposal of unredeemed animals.**

It is the duty of the Animal Control Director to keep all impounded animals for a period of at least five days; provided, however, all animals licensed and wearing tags or otherwise owner identifiable shall be held for a period not less than ten days. If, at the expiration of the appropriate holding period such animal has not been redeemed, it may be disposed of in some humane way including placement for adoption by the City animal shelter or a humane animal adoption agency, if deemed appropriate. Any animal suffering from rabies or infected with hydrophobia, mange, or other infectious or dangerous disease need not be so held, but may be forthwith destroyed in a humane manner. (Ord. 6219 § 9, 1995: Ord. 6217 § 9, 1995: Ord. 4112 § 1 (part), 1974)

## **Chapter 8.16**

### **RABIES CONTROL**

#### **Sections:**

- 8.16.010      Vaccination of dogs.**
- 8.16.020      Revaccination.**
- 8.16.030      Certificate.**
- 8.16.040      Restraining of animal bitten by other animal with rabies.**
- 8.16.050      Quarantine of biting animals--Examination.**
- 8.16.060      Report of suspected rabid animals.**
- 8.16.070      Destruction of rabid animals.**
- 8.16.080      Duties of poundmaster as to animals held by him having or suspected of having rabies.**
- 8.16.090      Importation of unvaccinated dogs.**

#### **Section 8.16.010      Vaccination of dogs.**

Every person keeping, maintaining or having custody or control of a dog over the age of four months in the City shall cause said dog to be vaccinated with a type of canine rabies vaccine approved by the California Department of Health within a period of thirty days from the date such dog was first maintained, kept or had within the City, or within thirty days from the date the dog attains the age of four months. (Ord. 4112 § 1 (part), 1974)

#### **Section 8.16.020      Revaccination.**

Every person keeping, harboring, or having a dog in the City, which dog has been vaccinated shall cause such dog to be revaccinated before the expiration of the period of immunity accepted by the California Department of Health for that type of canine rabies vaccine with which the dog was vaccinated. (Ord. 4112 § 1 (part), 1974)

#### **Section 8.16.030      Certificate.**

Every person keeping, harboring, or maintaining in the City any dog required by the provisions of this chapter to be vaccinated shall at all times, while such dog is kept, harbored or maintained, have in his possession a certificate issued by a duly licensed veterinary surgeon, which certificate shall specify that such dog has been vaccinated in accordance with the provisions of this chapter. Said certificate shall include the name, address and telephone number of the dog's owner; the name of the dog; a description of the dog, including breed, color, distinctive markings, and sex; date of immunization; the type of rabies vaccine administered; the name of the manufacturer; and the lot number of the vaccine used. Such certificates shall bear the signature of the veterinarian administering the vaccine or a signature authorized by him, and in addition such certificate shall be stamped, printed or typed with his name, address and telephone number for legibility. (Ord. 4112 § 1 (part), 1974)

#### **Section 8.16.040      Restraining of animal bitten by other animal with rabies.**

Whenever any dog or other animal has been bitten by an animal infected with or reasonably suspected of being infected with rabies, the owner of the animal so bitten shall immediately restrain or confine such animal in such a way as to make it impossible for such animal to bite any other animal or person and to forthwith notify the City poundmaster. The City

health officer or poundmaster shall have the power to quarantine any animal so bitten or suspected of having been bitten by a rabid animal for such period of time as he may determine not to exceed six months. (Ord. 4112 § 1 (part), 1974)

**Section 8.16.050      Quarantine of biting animals--Examination.**

Whenever any dog or other animal has bitten, scratched, or otherwise exposed any person or animal to the possible infection of rabies, the owner shall, upon order of the City health officer, any peace officer, or poundmaster, quarantine such animal and keep it tied up or securely confined for a period of not to exceed fifteen days, during which period of time it shall be the duty of the City health officer or poundmaster to make an examination of such animal. (Ord. 4112 § 1 (part), 1974)

**Section 8.16.060      Report of suspected rabid animals.**

Whenever the owner of an animal observes or learns that such animal shows symptoms of rabies or acts in a manner which reasonably indicates that it may be infected with rabies, such owner shall forthwith isolate and restrain such animal and shall immediately notify the poundmaster thereof. (Ord. 4112 § 1 (part), 1974)

**Section 8.16.070      Destruction of rabid animals.**

If it appears to the City health officer or City poundmaster or his representative upon examination or otherwise of a dog or other animal that such animal has rabies, he may forthwith kill and destroy such dog or other animal. (Ord. 4112 § 1 (part), 1974)

**Section 8.16.080      Duties of poundmaster as to animals held by him having or suspected of having rabies.**

Upon the receipt by the poundmaster of any dog or other animal, if the poundmaster would have reason to believe that the same is afflicted with rabies or hydrophobia or has been bitten by any animal afflicted with or suspected of being afflicted with rabies or hydrophobia, the poundmaster shall separately confine and keep so confined such animal. If upon an examination, the poundmaster determines that such dog or other animal is afflicted with rabies, he shall kill such animal at such time. It shall be the duty of the poundmaster to keep every such animal suspected of having rabies or hydrophobia so confined for such time as he deems necessary and such animal shall not be redeemed or released except upon an order in writing signed by the poundmaster. Nothing in this title shall be construed as permitting the redemption of any dog having or suspected of having been infected with rabies or hydrophobia. (Ord. 4112 § 1 (part) 1974)

**Section 8.16.090      Importation of unvaccinated dogs.**

No person shall bring an unvaccinated dog into the City from another city or town or other place in or outside of the County in which rabies exists or has existed within six months previously, nor shall any person take an unvaccinated dog or permit or encourage an unvaccinated dog to go from the City, at a time when rabies exists therein or has existed therein within six months previously, to any other city or town or other place in or outside of the County in which rabies does not exist or has not been known to be present within six months. (Ord. 4112 § 1 (part), 1974)

## **Chapter 8.17**

### **COYOTE CONTROL**

#### **Sections:**

**8.17.010      Feeding of coyotes.**

**8.17.020      Control.**

#### **Section 8.17.010      Feeding of coyotes.**

A. Except as provided herein, no person shall feed or in any manner provide food for any coyote which is not under the ownership or legal possession of such person.

B. A person may feed and provide food for a coyote which is trapped, unweaned or injured during that period of time after said person notifies the Police Department or animal control agency until said animal is picked up by the City or its designated agent or contractor for animal control. (Ord. 5126 § 1, 1983)

#### **Section 8.17.020      Control.**

The City, its agents and its contractor for the provision of animal control are hereby authorized to use all legal means to control coyotes and to reduce their number in the City. (Ord. 5126 § 1, 1983)

## **Chapter 8.18**

### **COMMERCIAL KENNELS**

#### **Sections:**

**8.18.010      License fee.**

**8.18.020      Construction of commercial kennels.**

#### **Section 8.18.010      License fee.**

Every person owning or operating a commercial kennel shall pay to the City poundmaster an annual license fee of ten dollars for such kennel, which shall be the license fee for all dogs regularly kept therein. Such license fee shall be due and payable on the first day of January of each year, and said license shall be for the period of one year commencing on the first day of January. Any owner or operator of a kennel failing to procure and pay for such kennel license after the first day of March of any year shall pay an additional ten dollars as a penalty for such delinquency. (Ord. 4112 § 1 (part), 1974)

#### **Section 8.18.020      Construction of commercial kennels.**

All kennels shall be so constructed as to prevent dogs confined therein from running at large off the premises where said kennels are maintained. All kennels shall be operated and constructed in a sanitary and proper manner so the same will not become a nuisance to the neighborhood in which such kennel is located. (Ord. 4112 § 1 (part), 1974)

## **Chapter 8.19**

### **POT-BELLIED PIGS**

#### **Sections:**

<b>8.19.010</b>	<b>Purpose.</b>
<b>8.19.020</b>	<b>Definition.</b>
<b>8.19.030</b>	<b>Administration and enforcement.</b>
<b>8.19.040</b>	<b>License, compliance with regulations.</b>
<b>8.19.050</b>	<b>Licensing procedures.</b>
<b>8.19.060</b>	<b>Issuance, term, renewals.</b>
<b>8.19.070</b>	<b>Regulations.</b>
<b>8.19.080</b>	<b>Revocation of license.</b>

#### **Section 8.19.010 Purpose.**

Miniature pot-bellied pigs are increasing in popularity as domesticated pets and the keeping of not more than two such animals on any single family residentially zoned property, excluding the RA-5 and RC zones, is permitted in the City. However, as such animals are still livestock notwithstanding size, the keeping of such animal needs to be closely regulated and controlled to insure that such animal does not become a nuisance or danger to the general public and the neighborhood in which it is kept. The City Council finds that the keeping of pot-bellied pigs so as not to create a nuisance can be reasonably accommodated by licensing and other restrictions. (Ord. 6213 § 1 (part), 1995)

#### **Section 8.19.020 Definition.**

For the purposes of this chapter, the words "pot-bellied pig" shall mean a domesticated miniature Vietnamese, Chinese or Asian pot-bellied or pot-belly pig not exceeding one hundred twenty-five pounds in weight and eighteen inches in height measured at the shoulder. (Ord. 6213 § 1 (part), 1995)

#### **Section 8.19.030 Administration and enforcement.**

The provisions of this Chapter shall be administered and enforced by the City's duly appointed and acting Animal Control Director as defined by this Title and the deputies of such Animal Control Director. In addition, the provisions of this Chapter may be enforced by any code compliance officer of the City. (Ord. 6213 § 1 (part), 1995)

#### **Section 8.19.040 License, compliance with regulations.**

Notwithstanding the provisions of Title 19 of this code, it is unlawful for any person to own or have custody, control or possession of any pot-bellied pig within the City unless such pig is licensed pursuant to the provisions of this Chapter within ten calendar days upon said pig's entry to the City and unless said pig complies with the regulations as set forth in this Chapter. (Ord. 6213 § 1 (part), 1995)

#### **Section 8.19.050 Licensing procedures.**

Any person owning or having custody or control of a pot-bellied pig within the City may obtain a license for such pig from the Animal Control Director in accordance with the following procedures:

A. Application. File with the Animal Control Director an application on a form provided by the City which shall contain the following information:

1. The name and address of the applicant and the address of the property upon which the pot-bellied pig is to be kept;

2. The name, age and weight of the pot-bellied pig including any identifying marks or tattoos;

3. Such other information as the Animal Control Director deems appropriate.

B. License Fee. The application shall be accompanied by a nonrefundable license fee in an amount as may be established by resolution of the City Council.

C. Veterinary Certification. The application shall be accompanied by a statement signed by a licensed veterinarian certifying that the pot-bellied pig has been spayed/neutered, that the pig is in good health and has received all necessary vaccinations, and the height and weight of the pig. Such certification shall be no older than thirty calendar days when submitted to the Animal Control Director. (Ord. 6213 § 1 (part), 1995)

#### **Section 8.19.060 Issuance, term, renewals.**

A. Issuance of License. The Animal Control Director shall issue a license for the keeping of a pot-bellied pig on a lot within the City zoned for such use upon the filing of a completed application and a finding that the animal meets the requirements set forth in subsections A through D of Section 8.19.070.

B. Term of License. Any license issued pursuant to this chapter shall be valid for a period of one year from the date of issuance; provided, however, any license expiring on a Saturday, Sunday or holiday, shall be valid until the next work day.

C. Renewals. Any license issued pursuant to this chapter may be renewed for periods of one year each upon the filing of an application for such renewal with the Animal Control Director accompanied by a nonrefundable renewal fee in an amount as may be established by resolution of the City Council. The renewal application shall be on such form as provided by City. The Animal Control Director shall issue such renewed license unless it is found that the pot-bellied pig is not in compliance with the regulations as set forth in Section 8.19.070. (Ord. 6213 § 1 (part), 1995)

#### **Section 8.19.070 Regulations.**

The owner or person having custody, control or possession of a pot-bellied pig within the City shall comply with the following regulations:

A. Spayed/Neutered. The pot-bellied pig shall be spayed or neutered.

B. Weight. The pot-bellied pig shall not weigh more than one hundred twenty-five pounds.

C. Height. The pot-bellied pig shall not exceed eighteen inches in height as measured from the shoulder of said animal.

D. De-tusked. Any male pot-bellied pig two years of age or older must have his tusks removed.

E. Confinement on Premises. Each pot-bellied pig shall be provided with a fenced yard designed to assure that the animal is confined and managed in a safe, clean and odor-free manner when out-of-doors. Notwithstanding any other provision of this code, the pot-bellied pig may be kept as a pet in the residence on the lot upon which said pig resides.

F. Leash Requirements. Each pot-bellied pig while on a street, sidewalk or other public place shall be restrained by a harness and leash or similar restraint not longer than six feet in length held by a competent person. (Ord. 6213 § 1 (part), 1995)

**Section 8.19.080      Revocation of license.**

The license for a pot-bellied pig issued pursuant to this chapter may be revoked by the Animal Control Director upon the finding that the provisions of Subsections A through D of Section 8.19.070 have been violated and not corrected within ten calendar days of issuance by the Animal Control Director or a deputy of the Animal Control Director of a notice of such alleged violation or within such longer period as may be specified in the notice of violation. Upon failing to correct the violation within the required time, the Animal Control Director shall issue a written notice of the revocation of the license and the pot-bellied pig must be removed from the City within ten calendar days thereafter or such longer period as may be set forth in the notice of revocation. (Ord. 6213 § 1 (part), 1995)



## Chapter 8.20

### BEEES AND APIARIES\*

#### Sections:

8.20.00E	Editor's note to Chapter 8.20.
8.20.010	Definitions.
8.20.020	Nuisance bees; duty to exterminate.
8.20.030	Nuisance bees; notice to abate; appeal; time limit for compliance.
8.20.040	Nuisance bees; abatement by City.
8.20.050	Nuisance bees; summary abatement.
8.20.060	Placement and identification of apiaries.
8.20.070	Water supply.
8.20.080	Public nuisance; duty to abate.
8.20.090	Public nuisance; enforcement.
8.20.100	Penalty for violation.
8.20.110	Injunction.

#### Section 8.20.00E Editor's note to Chapter 8.20.

Prior ordinance history: Ord. 4112.

#### Section 8.20.010 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- A. "Abate" means to exterminate, destroy, eliminate, seize, impound or mitigate.
- B. "Africanized Honey Bees" means a population of hybrid bees resulting from a cross between *Apis mellifera* and *Apis mellifera scutellata*.
- C. "Apiary" includes bees, comb, hive, appliances, or colonies, wherever they are kept, located or found.
- D. "Appliance" means any implement or other device which is used in handling and manipulating bees or comb, any container of bees or comb, or any other equipment which is used in the practice of apiculture.
- E. "Bees" means honey-producing insects of the genus *Apis* and includes all life stages of these insects.
- F. "Colony" means one hive and its contents, including bees, comb and appliances.
- G. "Comb" includes all materials which are normally deposited into hives by bees but excludes extracted honey or royal jelly, trapped pollen, and processed beeswax.
- H. "Hive" means any receptacle or container, or part of any receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees.
- I. "Code Compliance Officer" means any person who is authorized to enforce this chapter. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

#### Section 8.20.020 Nuisance bees; duty to exterminate.

Bees, including Africanized Honey Bees shall be considered a public nuisance when they interfere with the normal use of private or public property or have shown unusual aggressive behavior toward a person or animal.

Every owner or person in charge of, or in possession of, any property on which nuisance bees are present shall proceed in good faith to endeavor to exterminate said bees. (Ord. 6471§

1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

**Section 8.20.030 Nuisance bees; notice to abate; appeal; time limit for compliance.**

A. Whenever nuisance bees are present on any property within the City, the Director of Public Works, or his designee, may cause a notice to abate the nuisance to be issued, for the purpose of notifying the record owner, or person in charge of or in possession of the property, of the existence of the nuisance. The notice shall direct that the owner shall, within a period of ten days, abate the nuisance by destroying the nuisance bees, removing the dead bees, and removing combs and hives.

B. Notices served by means other than posting, as set forth in Section 6.15.025, shall contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance.

C. Within ten days from the date of giving notice, the violator may file an appeal as set forth in Section 6.15.030.

D. The violator must abate the nuisance within the time limit for compliance as set forth in Section 6.15.035. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

**Section 8.20.040 Nuisance bees; abatement by City.**

A. In the event the owner or person in charge of or in possession of the property affected by such notice fails, neglects or refuses to proceed and to endeavor to exterminate the nuisance bees within the time specified herein, the Director of Public Works shall at once cause the nuisance bees to be exterminated and destroyed.

B. The property owner shall be responsible for the removal of dead bees, combs and hives, at the property owner's expense.

C. The property owner may be responsible for the costs of the abatement costs as set forth in Sections 6.15.040 through 6.15.060. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

**Section 8.20.050 Nuisance bees; summary abatement.**

In cases of manifest public danger and/or immediate necessity, the Public Works Director, or his designee, shall have the authority to immediately call a contractor to exterminate the bees without observance of any notice requirements described in Chapter 6.15.

The property owner shall be responsible for the removal of dead bees, combs and hives, at the property owner's expense.

If the City abates the nuisance bees, the affected property may be assessed for the abatement costs as set forth in Sections 6.15.040 through 6.15.060. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

**Section 8.20.060 Placement and identification of apiaries.**

A. Permission. Prior to locating or maintaining an apiary, written permission of the property owner or occupant shall be obtained if the apiary is located on a property not owned or leased by the person responsible for the apiary.

B. Distance from Public Roads. All apiaries owned or kept within the City of Riverside shall be located at least three hundred feet from any and all public streets, roads and freeways, unless there are natural barriers to prevent bees from causing a nuisance or hazard to persons using the road or freeway.

C. Distance from Structures. All apiaries owned or kept within the City of Riverside shall be located at least five hundred feet from houses or buildings, unless the owner of the apiary first obtains permission from the occupant or person in charge of the house or building.

D. Distance from Schools. All apiaries owned or kept within the City of Riverside within five hundred feet from school yards or places where people congregate shall be located and maintained behind barriers (natural or otherwise) or at least six feet in height.

E. Entering Other Lands. No apiary shall be maintained or allowed in the City if there are substantial numbers of bees from such apiary which are entering land other than where such apiary is situated and are causing a public nuisance to the extent that the health, safety and welfare of the public is endangered or property is damaged.

F. Sign. No person shall maintain an apiary on premises other than his or her residence unless the apiary is identified by a sign that is prominently displayed on the entrance side of the apiary or stenciled on the hive that states in dark letters not less than one inch in height on a background of contrasting color, the name of the owner or person responsible for the apiary, his or her address and telephone number, or if he or she has no telephone, the number of a person who has agreed in writing to be responsible for the bees. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

#### **Section 8.20.070 Water supply.**

Prior to placing an apiary, a plentiful supply of fresh water shall be furnished and kept available to such apiary at all times pursuant to the following methods and conditions:

A. A fresh water supply placed within one hundred feet of the apiary, or

B. A stream or reservoir containing available fresh water within three hundred feet of the apiary; all other sources of water available to the apiary, at locations where people or animals are present, must be one-quarter mile away from the stream or reservoir, and

C. All sources of water serving the apiary must be on property for which written permission has been granted or which is owned by the person responsible for the apiary. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

#### **Section 8.20.080 Public nuisance; duty to abate.**

Any property or apiary in violation of this Chapter is a public nuisance. The owner or person in charge or possession of any such nuisance, upon receiving notice of the violation, shall correct or abate the violation within the time specified in the notice. (Ord. 6471 § 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

#### **Section 8.20.090 Public nuisance; enforcement.**

A. The provisions of this chapter may be enforced by the abatement proceedings set forth in Sections 6.15.025 through 6.15.060 of this code, by summary abatement, by criminal prosecution or by injunction.

B. Any remedy provided in this Chapter for the abatement of a nuisance is in addition to any other remedy provided by law. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

#### **Section 8.20.100 Penalty for violation.**

A. Unless otherwise provided, any person, firm, partnership, corporation or other entity violating any provision of this ordinance shall be guilty of an infraction or misdemeanor as hereinafter specified.

B. Each day or portion thereof such violation is in existence shall be a new and separate offense.

C. Any person so convicted shall be:

1. Guilty of an infraction offense and punished by a fine not exceeding one hundred dollars and not less than fifty dollars for a first offense;

2. Guilty of an infraction offense and punished by a fine not exceeding two hundred dollars and not less than one hundred dollars for a second offense;

3. Guilty of a misdemeanor for the third and any additional offenses and punished by a fine not exceeding one thousand dollars and not less than five hundred dollars or six months in jail, or both;

4. Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor.

D. Payment of any fine or service of a jail sentence herein provided shall not relieve a person, firm, partnership, corporation or other entity from the responsibility of correcting the condition resulting from the violation.

E. In addition to the above penalties, the court may order that the guilty party reimburse the City of Riverside for all of its costs of investigating, analyzing and prosecuting the enforcement action against the guilty party. The court shall fix the amount of any such reimbursement upon submission of proof of such costs by the City of Riverside. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1(part), 1976)

#### **Section 8.20.110      Injunction.**

Any violation of this chapter is hereby declared to be unlawful and a public nuisance. Upon request of the Code Compliance Officer, an action by the City Attorney for injunctive relief may be commenced for the abatement, removal and enjoyment thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief, to abate or remove such use and restrain and enjoin any person from using property contrary to the provisions of this chapter. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 §1 (part), 1976)